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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/725,053	12/02/2003	Tadahiro Kegasawa	Q78706	2949

23373 7590 12/21/2006  
SUGHRUE MION, PLLC  
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WASHINGTON, DC 20037

EXAMINER
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EASHOO, MARK

ART UNIT	PAPER NUMBER
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1732

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	12/21/2006	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	Application No. 10/725,053	Applicant(s) KEGASAWA ET AL.	
	Examiner Mark Eashoo, Ph.D.	Art Unit 1732	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 10 October 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-5 and 10-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 10-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Peiffer et al. (US Pat. 5,716,570).

Peiffer et al. teaches the claimed process of forming a film, comprising: joining a middle portion and edge portions of a film, in a molten state, such that the edge portion enclose both edges of the film main body (Fig. 3); extruding the joined resins through a die to form a film (Fig. 3); and wherein a boundary is formed between first and second layers (Fig. 3).

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Cloeren (US Pat. 5,120,484).

Cloeren teaches the claimed process of forming a film, comprising: joining a middle portion and edge portions of a film, in a molten state, such that the edge portion enclose both edges of the film main body (Figs. 4-5); extruding the joined resins through a die to form a film (Figs. 4-5); and wherein a boundary is formed between first and second layers (Figs. 4-5).

### *Claim Rejections - 35 USC § 103*

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 2-5 and 10-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Peiffer et al. (US Pat. 5,716,570) in view of Kegasawa et al. (US Pat. 6,203,742).

Peiffer et al. teaches the basic claimed process as set forth above regarding claim 1.

Peiffer et al. does not teach adjusting the degree of enclosing according to a difference in MFR, temperature, extrusion rate, or film/die width. However, Kegasawa et al. suggest that it is critical/necessary to know the relationship between rheological characteristics (ie. viscosity, MFR, etc.) ; temperature, and flow rate in order to balance the extrusion pressure along the width of the film/die, including the pressure difference at the ends of the die/film (4:20-5:22). It is noted that MFR is directly related to viscosity and a person of ordinary skill in the art would readily be able to make the association between the two terms. Furthermore, since Kegasawa et al. refers to adjusting the pressure across the die width by varying the other

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aforementioned parameters, "adjustment of the width" is readable or intrinsic upon adjustment of the other parameters. Peiffer et al. and Kegasawa et al. are combinable because they are from the same field of endeavor, namely, flat film extrusion. At the time of invention a person of ordinary skill in the art would have found it obvious to have adjusted the either the viscosity/MFR, temperature, or flow rate, as taught by Kegasawa et al., in the process of Peiffer et al., in order to adjust the size and degree of confluence/intermingling of the different resins. Lastly, with respect to claims 10-17, the limitations "is large" or "is small" are relative terms of degree and therefore are implicitly met by the differences in material parameters as taught by each of the applied references.

Claims 2-5 and 10-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cloeren (US Pat. 5,120,484) in view of Kegasawa et al. (US Pat. 6,203,742).

Cloeren teaches the basic claimed process as set forth above regarding claim 1.

Cloeren does not teach adjusting the degree of enclosing according to a difference in MFR, temperature, extrusion rate, or film/die width. However, Kegasawa et al. suggest that it is critical/necessary to know the relationship between rheological characteristics (ie. viscosity, MFR, etc.) , temperature, and flow rate in order to balance the extrusion pressure along the width of the film/die, including the pressure difference at the ends of the die/film (4:20-5:22). It is noted that MFR is directly related to viscosity and a person of ordinary skill in the art would readily be able to make the association between the two terms. Furthermore, since Kegasawa et al. refers to adjusting the pressure across the die width by varying the other aforementioned parameters, "adjustment of the width" is readable or intrinsic upon adjustment of the other parameters. Cloeren and Kegasawa et al. are combinable because they are from the same field of endeavor, namely, flat film extrusion. At the time of invention a person of ordinary skill in the art would have found it obvious to have adjusted the either the viscosity/MFR, temperature, or flow rate, as taught by Kegasawa et al., in the process of Cloeren, in order to adjust the size and degree of confluence/intermingling of the different resins. Lastly, with respect to claims 10-17, the limitations "is large" or "is small" are relative terms of degree and therefore are implicitly met by the differences in material parameters as taught by each of the applied references.

### ***Response to Arguments***

Applicant's arguments with respect to Thompson and claims 1-5 and 10-17 have been considered but are moot in view of the new ground(s) of rejection.

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### *Conclusion*

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

### *Correspondence*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Eashoo, Ph.D. whose telephone number is (571) 272-1197. The examiner can normally be reached on 7am-3pm EST, Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christina Johnson can be reached on (571) 272-1176. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

December 19, 2006  
me

Mark Eashoo, Ph.D.  
Primary Examiner  
Art Unit 1732



12/Dec/06